

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CASE NO.: 7:19-cv-05250

TETRA IMAGES, LLC,

Plaintiff,

v.

GRAHALL PARTNERS, LLC,

Defendant.

COMPLAINT FOR COPYRIGHT INFRINGEMENT
(INJUNCTIVE RELIEF DEMANDED)

Plaintiff TETRA IMAGES, LLC by and through its undersigned counsel, brings this Complaint against Defendant GRAHALL PARTNERS, LLC for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff TETRA IMAGES, LLC (“TI”), brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute TI’s original copyrighted works of authorship.
2. Created and curated by professionals, Tetra Images represents a select roster of elite commercial photographers and thoughtfully selects their best work for the Tetra collection. All Tetra images are available for commercial and editorial license through one of the broadest distribution networks in existence. Tetra’s photographers produce imagery using state of the art cameras and equipment, and Tetra’s exacting technical standards meet or exceed the highest in the industry.

3. Defendant GRAHALL PARTNERS, LLC (“Grahall”) is a human resources firm that includes experts in recruiting, compensation, finance, taxes, law, organizational design behavior and psychology.

4. TI alleges that Grahall copied TI’s copyrighted Work from the internet in order to advertise, market and promote its business activities. Grahall committed the violations alleged in connection with Grahall’s business for purposes of advertising and promoting sales to the public in the course and scope of Grahall’s business.

JURISDICTION AND VENUE

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in New York.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.

DEFENDANT

9. Grahall Partners, LLC is a New York limited liability company with its principal place of business at 120 Bloomingdale Road, Suite 402, White Plains, New York, 10601, and can be served by serving its Registered Agent, (DOS Process) Mr. Michael D. Graham, 50 Fairlee RD, Waban, Massachusetts, 02468.

THE COPYRIGHTED WORK AT ISSUE

10. In 2007, TI created a photograph entitled “ti0124758.jpg,” which is shown below and referred to herein as the “Work”.



11. TI registered the Work with the Register of Copyrights on November 29, 2017 and was assigned the registration number VA0002082974. The Certificate of Registration is attached hereto as Exhibit 1.

12. At all relevant times TI was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY DEFENDANT

13. Grahall has never been licensed to use the Work at issue in this action for any purpose.

14. On a date after the Work at issue in this action was created, but prior to the filing of this action, Grahall copied the Work.

15. Grahall copied TI's copyrighted Work without TI's permission.

16. After Grahall copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its human resources business.

17. Grahall copied and distributed TI's copyrighted Work in connection with Grahall's business for purposes of advertising and promoting Grahall's business, and in the course and scope of advertising and selling products and services.

18. TI's Works are protected by copyright but are not otherwise confidential, proprietary, or trade secrets.

19. Grahall committed copyright infringement of the Work as evidenced by the documents attached hereto as Exhibit 2.

20. TI never gave Grahall permission or authority to copy, distribute or display the Work at issue in this case.

21. TI notified Grahall of the allegations set forth herein on January 8, 2019 and February 21, 2019. To date, Grahall has failed to respond to Plaintiff's Notices. Copies of the Notices to Grahall are attached hereto as Exhibit 3.

COUNT I
COPYRIGHT INFRINGEMENT

22. Plaintiff incorporates the allegations of paragraphs 1 through 21 of this Complaint as if fully set forth herein.

23. TI owns a valid copyright in the Work at issue in this case.

24. TI registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

25. Grahall copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without TI's authorization in violation of 17 U.S.C. § 501.

26. Grahall performed the acts alleged in the course and scope of its business activities.

27. Grahall's acts were willful.

28. TI has been damaged.

29. The harm caused to TI has been irreparable.

WHEREFORE, the Plaintiff Tetra Images, LLC prays for judgment against the Defendant Grahall Partners, LLC that:

a. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. Defendant be required to pay Plaintiff its actual damages and Defendant's profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. § 504;

c. Plaintiff be awarded its attorneys' fees and costs of suit under the applicable statutes sued upon;

d. Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;

e. Plaintiff be awarded prejudgment interest; and

f. Plaintiff be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury of all issues so triable.

DATED: June 4, 2019

Respectfully submitted,

/s/ Joel B. Rothman _____

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